

C-24

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose SANCHEZ-Salto
Javier HERRERA-Diaz

Defendant(s)

Magistrate Case No:

08 MAR 13 08 MJ0801

COMPLAINT FOR VIOLATION OF:Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
Transportation of Illegal
AliensTitle 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)
Bringing in Illegal Aliens Without
Presentation

The undersigned complainant, being duly sworn, states:

Count 1

On or about **March 11, 2008**, within the Southern District of California, defendant **Jose SANCHEZ-Salto** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Miguel Angel AVALOS-Torres, and Martin MENDEZ-Morales**, had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

Count 2

On or about **March 11, 2008**, within the Southern District of California, defendant **Javier HERRERA-Diaz**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Miguel Angel AVALOS-Torres, and Martin MENDEZ-Morales**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol AgentSWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 13th DAY OF MARCH 2008.

 Anthony J. Battaglia
 UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Jose SANCHEZ-Salto****Javier HERRERA-Diaz****PROBABLE CAUSE STATEMENT**

The complainant states that **Miguel Angel AVALOS-Torres, and Martin MENDEZ-Morales** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On March 11, 2008, SIG Agents L. Gutierrez and E. Penagos were observing vehicle traffic near Jamul Drive and Lyons Valley Road in Jamul, California. Both Agents were working in plainclothes and driving an unmarked vehicle with fully functioning emergency lights and siren. At approximately 11:10 a.m., Agent Penagos observed a white Ford Explorer with one occupant visible turn onto Lyons Valley Road from Jamul Drive heading towards Skyline Drive. At approximately 11:15 a.m., Agent Penagos observed the same Ford Explorer driving out of the area the same way it had entered. Agent Penagos observed that there was one other occupant visible in the passenger seat that was not observed when first encountered just a few minutes before.

As Agents initiated surveillance of the Explorer, Agent Penagos requested records checks on the vehicle from Dispatch via bureau radio. The Explorer's registered owner is Jorge CHAVEZ, out of Santa Ana, California. Due to the fact that the vehicle is registered out of the area, the fact that it was observed entering the area with one person on board and then exiting the area a few minutes later with another person visible.

At approximately 11:20 a.m., Agents Gutierrez and Penagos advised Dispatch that they were going to attempt a stop on the Explorer. Agent Gutierrez activated his bureau vehicle's fully functioning lights and siren on Steele Canyon Road just before Willow Glen Road located in Rancho San Diego, California. The Explorer did not immediately yield. Instead it continued for approximately one mile when they observed the vehicle slow down. The Explorer abruptly came to a stop in the number two lane on Willow Glen Road. After a brief foot pursuit up an embankment, Agent Penagos was able to apprehend the passenger, later identified as defendant **Javier HERRERA-Diaz**. The driver, later identified as **Jose SANCHEZ-Salto**, did not exit the vehicle and remained seated in the driver's seat. Agent Gutierrez identified himself to all occupants including **SANCHEZ**, as a United States Border Patrol Agent verbally and by using his bureau issued badge. Agent Gutierrez conducted a field interview regarding their legal status in the United States. All subjects stated that they were citizens of Mexico without proper documentation allowing them to be or remain in the United States legally. Agent Penagos identified himself to **HERRERA** and also conducted a brief field interview to which **HERRERA** also admitted that he was present in the United States illegally. In the field, Agent Penagos was able to identify and confirm that **SANCHEZ** was the same person he observed driving the Ford when first encountered and again as it left the area. All subjects were placed under arrest and transported to the Chula Vista Station for processing.

CONTINUATION OF COMPLAINT:

Jose SANCHEZ-Salto

Javier HERRERA-Diaz

MATERIAL WITNESSES STATEMENTS:

Material witnesses Miguel Angel AVALOS-Torres, and Martin MENDEZ-Morales both stated they are citizens and nationals of Mexico without the proper documentation to enter or reside in the United States legally. Both stated they were to pay between \$1,500.00 and \$1,800.00. Both subjects stated they heard the passenger of the vehicle tell the driver not to stop when they heard the siren. Both were able to positively identify the driver of the vehicle as defendant **Jose-SANCHEZ-Salto** and the foot guide/passenger as co-defendant **Javier HERRERA-Diaz**.